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September 28, 2012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Carol Ropski
U.S. Environmental Protection Agency
Superfund Division
Enforcement and Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: South Dayton Dump and Landfill Site, Moraine, Ohio
Site Spill Identification Number B52B
Response to General Notice Letter

Dear Ms. Ropski:

This will acknowledge receipt of EPA's General Notice of Potential Liability letter, dated September 10, 2012, that was served upon registered agent for Coca-Cola Enterprises, Inc. on September 17, 2012. As an initial matter, please note that Coca-Cola Refreshments USA, Inc. is the proper name of the entity conducting business in the United States. The former entity, Coca-Cola Enterprises Inc., became a wholly-owned subsidiary of The Coca-Cola Company on October 1, 2010, and the name of Coca-Cola-Enterprises Inc. was changed to Coca-Cola Refreshments USA, Inc. Hereinafter, we refer to Coca-Cola Refreshments USA, Inc. by its abbreviation, "CCR" (which encompasses the entity formerly known as Coca-Cola Enterprises Inc.).

I have been authorized to respond on behalf of CCR. In its General Notice letter, EPA contends that CCR "may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site." By separate letter of today's date, we request pursuant to the Freedom of Information Act that EPA provide any information linking CCR to this Site.

Upon receipt of EPA's letter, CCR immediately began investigating the allegations. At this time, we understand that the former Dayton Coca-Cola Bottling Company plant ceased bottling operations in the 1980's, and that neither CCR nor any corporate predecessor or affiliate has ever "owned or operated" any part of the South Dayton Dump and Landfill Site. CCR's investigation is ongoing, and, to date, there is no information indicating that the Dayton Coca-Cola Bottling plant transported to, or arranged for the disposal of hazardous substances at the Site.

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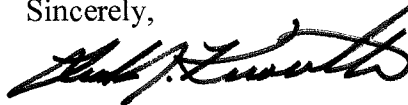
As you may know, several PRPs who entered into a 2006 settlement agreement with EPA have filed lawsuits seeking contribution or cost recovery against numerous parties, including CCR. The Plaintiffs' lawyer in these cases, Mr. Larry Silver, provided defendants with a deposition transcript that allegedly links CCR and others to the Site. In his deposition, Mr. Edward Grillot testified that when he was a "little kid" he observed "Coca-Cola" trucks disposing of wooden cases, bottles and cartons of syrup at the Site. See Deposition of Edward Grillot, *Hobart Corporation, et al. v. Waste Management of Ohio, Inc., et al.* (April 24, 2012), at 114 – 115, enclosed herewith. There is no evidence that any of these materials contained hazardous substances.

Since the General Notice letter was served on CCR on September 17, 2012, and requires CCR to commit by September 28, 2012 to finance or conduct remedial work, CCR respectfully requests additional time to conduct its investigation and review documents that EPA may provide in response to our FOIA request. CCR is not refusing to cooperate with EPA, but needs more time to investigate activities at a plant that has not operated in about 25 years, and for which there are no known disposal records.

CCR and the Coca-Cola family of companies are recognized world leaders in environmental stewardship. CCR has cooperated with EPA in similar sites involving historical operations both in Ohio and around the Country. If EPA provides evidence linking CCR to hazardous substance disposal at the Site, we will respond promptly and responsibly.

Please address all further communication regarding this matter to me, and feel free to contact me if you have any questions.

Sincerely,



Leah J. Knowlton

LJK/dk

Enclosure

cc: Christopher H. Steger, Esq.
Vail T. Thorne, Esq.

Deposition of Edward Grillot, taken April 24, 2012

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1 A Yeah.
2 Q To go to the Blaylock location?
3 A Right.
4 Q What kind of stuff didn't Blaylock
5 like that ended up where you were?
6 A Lots of cardboard. Since we had the
7 incinerator, a lot of the skids and stuff like
8 burnable stuff.
9 Q Even before the incinerator --
10 A Yeah.
11 Q -- was Blaylock sending stuff?
12 A Yeah. We'd burn it. And theirs was
13 mostly garbage from grocery store chains and stuff
14 like that.
15 Q They weren't a burning dump?
16 A No.
17 Q And you were?
18 A Yes.
19 Q So burnables they moved from their
20 -- they moved over to your dump?
21 A Right.
22 Q And does that go back to when you
23 were a little kid?
24 A I'm pretty sure because over there
25 next to the dump they had a movie theater, a

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1 drive-in movie theater, and Dad when he'd take us
2 he told us stories about that.
3 Q Did you observe the Blaylock trucks
4 coming in to your site?
5 A Yeah, mm-hmm.
6 Q And what about -- in addition to
7 burnables, what about industrial waste? Was that
8 coming in from Blaylock?
9 A I don't remember from them.
10 Q Here's one since you got a can right
11 in front of you. What about Coca-Cola?
12 A Yeah.
13 Q Yeah, what?
14 A We got a lot of stuff from them.
15 Q What kind of stuff?
16 A Wooden -- you know, wooden Coca-Cola
17 for cases of Coke.
18 Q Mm-hmm.
19 A We got a lot of their bottles, you
20 know, ones that used to be --
21 Q A nickel or a penny?
22 A Two cents apiece. They would be
23 chipped or something. They were damaged, and
24 they'd come in truckloads. And then sometimes
25 there would be cartons of syrup would come in like

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1 paper boxes, and they'd dump big -- a whole bunch
2 of that off.
3 Q Anything else that you can think of?
4 A That's all I can think of at the
5 moment.
6 Q What about frequency? How often was
7 it coming in from Coke?
8 A They would come maybe once a month
9 maybe, something like that.
10 Q What size of loads were they coming
11 in on?
12 A I don't remember.
13 Q Their own trucks or were they using
14 --
15 A Coca-Cola emblem was on 'em, but I
16 don't remember what --
17 Q Does this go back to when you were a
18 little kid?
19 A Yeah.
20 Q All right. And what about their
21 competitor, Pepsi-Cola?
22 A I don't remember.
23 Q You don't remember Pepsi coming in?
24 A No, hmm-mm. They were closer, I
25 think, to Powell Road because they were up north.

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1 So I don't think --
2 Q You don't have any memory of Pepsi
3 coming to SDD?
4 A No.
5 Q Since we're going in alphabetical
6 order, you mentioned earlier today a hauling
7 company named Container Service.
8 A Right.
9 Q What was their connection to SDD?
10 Did they bring waste to your site?
11 A Larry Brandon and another gentleman
12 ran that company before they were bought out by a
13 Chicago-based outfit, and they would mainly dump at
14 Blaylock's because it was mostly garbage and stuff.
15 There was a couple chicken packing places, Valley
16 Farms, I think. All the chicken parts would come
17 in that.
18 Q They would go to Blaylock, the
19 chicken parts --
20 A Yeah.
21 Q -- or to you?
22 A Yeah.
23 Q Okay.
24 A But that was General Refuse and
25 Container Service. Container Service was more the

29 (Pages 113 to 116)